



Australian Government
Director of National Parks



kakadu[®]
NATIONAL PARK

PERMIT APPLICATION FORM

Ubirr wet season access – restricted area in Kakadu National Park

Kakadu National Park is a Commonwealth reserve established under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) to manage the environment of the region for the benefit of all people, present and future. The Director of National Parks uses a permit system to help regulate some activities. Permits may be issued subject to conditions that help to identify, protect, conserve and manage biodiversity, heritage and other values of national parks. This is a system through which industry and the public can share in the responsibilities of managing and protecting the park. Permits enable park managers and the Aboriginal traditional owners of Kakadu National Park to:

- maximise park visitor safety
- encourage responsible behaviour in the park
- ensure that commercial and other park users are accountable for their actions
- separate potentially conflicting activities
- manage impacts on high-use and sensitive areas
- monitor activities that could degrade biodiversity, heritage and other park values
- collect data for planning and management.

This application is for a permit to access Ubirr during the wet season in Kakadu National Park. This permit is only available to tour operators who hold a current commercial land-based permit. This permit operates in conjunction with your commercial land-based permit (that is, you will still need to meet the requirements of your commercial land-based permit such as those relating to insurance and accreditation).

Access key

You will need a key to open the access gate to Ubirr. Please make sure you lock the gate after you go through and that the gate remains locked at all times. There is a \$50 charge for each key that is not returned to us so be sure to return all your keys to the Permit Officer before 30 June 2022.

Apply well in advance

Please allow a minimum of 14 days for application processing. If your first tour commences in less than 14 days' time, please contact the Permits Officer on 08 8938 1140 (if calling from within Australia) or +61 8 8938 1140 (if calling from overseas), or email kakadu.permits@awe.gov.au.

How to Apply

Copies of the application form can be posted, faxed or emailed to you, or downloaded from <http://www.environment.gov.au/resource/tourism-operators>.

To apply for a permit, please:

- ensure you understand and are prepared to comply with the permit conditions
- answer all the questions in the application form — if you need more space than is available on the form, please attach a separate sheet
- ensure each tour guide completes the Ubirr Wet Season Induction program and signs the Tour Guide Agreement for Ubirr Wet Season Access (see page 9) prior to leading tours in Ubirr.

Ensure you answer all the questions to the best of your knowledge; there are severe penalties for giving false or misleading information. By emailing, posting or faxing this application form to the Permits Officer, all proposed permit holders agree that if a permit is issued, they and their staff and agents will act in accordance with all of its permit conditions.

Need More Information?

The Permits Officer for Kakadu National Park can help with any queries regarding this permit – please call 08 8938 1140 or email kakadu.permits@awe.gov.au.

Our website is at www.parksaustralia.gov.au/kakadu/. The EPBC Act and Regulations can be viewed at www.environment.gov.au/epbc/ or purchased from CANPRINT by telephoning 1300 656 863.

Privacy

The Director of National Parks ('the Director') is authorised to request personal information from permit applicants under Part 17 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations). The personal information that you provide will be used by the Director to assess your permit application and manage activities within the park, including compliance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and EPBC Regulations. If you do not provide the requested information, your permit application cannot be assessed.

Disclosure

Information provided in this application form may be disclosed to the Board of Management for the park and any Consultative Committees established by the Board for the purpose of assessing your application.

Your personal information may be disclosed to other Commonwealth (and in some circumstances, state and territory) government departments and agencies where it is required or authorised by or under law or where it is reasonably necessary for law enforcement.

Privacy Policy

The collection, storage, use and disclosure of personal information by the Director is governed by the *Privacy Act 1988* (Cth) and, in particular, by the Australian Privacy Principles. The Director's Privacy Policy is available at www.environment.gov.au/node/35979. The Privacy Policy details how you can access and correct your personal information held by the Director and who to contact if you have a concern about your personal information.

CONDITIONS FOR A PERMIT TO CONDUCT COMMERCIAL LANDBASED TOURS IN KAKADU NATIONAL PARK

Interpretation

In these conditions, unless the contrary intention appears:

access key means the key provided for the permittee's use by the Director, so the permittee may access the permit area.

Act means the *Environment Protection and Biodiversity Conservation Act 1999* and any Regulations, management plans and instruments made under it, and includes any Act that amends or replaces it.

agreement means the agreement at the end of these conditions.

captured, for an image, means recorded or reproduced by artistic representation, or on film, videotape, disc or other electronic medium and includes recorded sound.

Director means the Director of National Parks, and includes any statutory successor to the Director and the Director's delegates.

management plan means the management plan in operation from time to time for the park under the Act.

park means the named Commonwealth reserve(s) for which this permit is issued.

park staff means persons employed by the Director and performing duties in relation to the park.

permitted activity means the specified activity for which this permit is issued.

permittee means each person (individual, company or other commercial entity) to whom this permit is issued and includes, where the context permits, the permittee's staff and the permittee's clients.

permittee's clients means all persons, other than the permittee or the permittee's staff, who take part in the permitted activity.

permittee's staff means the permittee's employees, contractors and other agents who take part in the permitted activity.

permittee's tour guides means the permittee's employees, contractors and other agents who have primary responsibility for leading the permitted activity.

ranger means a person appointed as a ranger under s392 of the Act.

Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* and includes any Regulations that amend or replace them.

warden means a person appointed as a warden under s392 of the Act.

In these conditions:

The singular includes the plural and vice versa.

Where a word or phrase is defined, other grammatical forms of that word or phrase have a corresponding meaning.

Where one of the words 'include', 'including' or 'includes' is used, the words 'without limitation' are taken to immediately follow.

Where the word 'must' imposes an obligation on a person to do or not do something, the obligation is taken to mean that the person must take all reasonable steps to do or not do the thing (i.e. steps that ought to be reasonable to a person who possesses the faculty of reason and engages in conduct in accordance with community standards).

A reference to the permittee includes, where the context permits, the permittee's staff and the permittee's clients involved in the permitted activity.

Note: The Director may vary or revoke these permit conditions, or impose new conditions, in accordance with r17.09 of the Regulations, and must do so where it is necessary to ensure that the matters or circumstances about which the Director is required to be satisfied when issuing the permit continue to apply

General Permit Conditions (all activities)

1. The permittee must not conduct the permitted activity before the commencement date or after the expiry date shown on the permit.
2. The permittee must not conduct the permitted activity unless the permittee has signed and submitted the agreement with the park.
3. This permit cannot be transferred to another person, except in accordance with regulation 17.11 of the Regulations.

Note: If the permittee sells the business to which the permit relates, the permittee may apply to transfer the permit to the purchaser, in accordance with r17.11 of the Regulations, or the purchaser may apply for a new permit.

4. The permittee must comply with the EPBC Act, the EPBC Regulations, the management plan, these permit conditions, and any other signs, notices, information, guidelines, codes of conduct, protocols or directions issued by, or under the authority of, the Director relating to the park.
5. The permittee must comply with all Commonwealth, State or Territory laws relating to the permitted activity.
6. The permittee must hold all permits, licences and other authorities required by law for the conduct of the permitted activity.
7. The permittee must maintain relevant training, qualifications and experience to competently conduct the permitted activity.
8. The permittee must carry a copy of this permit and these conditions or keep a copy in the permittee's transport (vehicle, vessel or aircraft) while conducting the permitted activity, and must produce it for inspection when requested by a ranger or warden.
9. The permittee must not, and must take all reasonable steps to ensure that the permittee's clients do not, walk off track or use any road, track or area that is permanently, temporarily or seasonally closed or restricted by fences, gates or signs, unless specifically authorised by this or another permit.
10. The permittee must not, and must take all reasonable steps to ensure that the permittee's clients do not:
 - a) behave contrary to the Regulations or any warning or regulatory signs; or
 - b) pick fruits, flowers or branches, or otherwise damage any native plants; or
 - c) interfere with, feed, handle or disturb any native animal, or damage or disturb a nest or dwelling place of a native animal; or
 - d) touch or interfere with any rock art, sacred site or cultural artefact; or
 - e) impede public access to any part of the park.

Note: This permit does not give the permittee any rights to the exclusive use, enjoyment or occupancy of any area of the park unless specifically authorised by this permit.

11. The permittee must notify the Director, in writing, within 7 days if:
 - a) the permittee sells any business to which the permit relates to another person or group, or for any other reason ceases to conduct the permitted activity; or
 - b) the permittee is a company and there is a change in the owner(s) of the majority of issued shares in the company.
12. If the permittee is a company or other incorporated body the permittee must not, without the approval of the Director, have as a director or office holder a person who

has been convicted¹ of an offence² against the Act or the Regulations within the previous 10 years.

13. The permittee must not, without the approval of the Director, use directly in the conduct of the activity to which this permit relates (eg driver or tour guide) the services of any person who has within the previous 10 years been convicted of an offence against the Act or the Regulations prior to the grant of the permit.

Note: The Director may keep a register of persons who have been convicted of such an offence or who have been the subject of a request by the Director for a permittee to cease using their services within the park.

14. If any of the permittee's staff contravene these permit conditions, the Director may:

- a) notify the permittee of the contravention; and
- b) direct the permittee to cease using the services of that person within the park for a specified time, and the permittee must forthwith comply with that request.

Note: In this situation and accordance with r14.16, the Director must give written notice to the member of the permittee's staff of the decision, including a statement that the member of the permittee's staff may apply to the Director to reconsider the decision and that, subject to the Administrative Appeals Tribunal Act 1975, the member of the permittee's staff may subsequently apply to the Administrative Appeals Tribunal for review of the reconsideration.

15. The permittee must ensure that the permittee's staff are fully informed of and understand these permit conditions before they commence taking part in the permitted activity.

16. The permittee must ensure that the permittee's staff are appropriately trained and/or accredited for any activity they conduct in the park.

17. The permittee must ensure that appropriate risk management systems, strategies and procedures are in place to minimise foreseeable risks to the permittee's staff, the permittee's clients, other members of the public and the environment and heritage values of the park, and must produce evidence of such systems, strategies and procedures as requested by the Director.

Note: Suitable templates for risk management systems are available from Parks Australia. They represent the minimum acceptable standard for a risk management system. Permittees are encouraged to develop more detailed risk management systems.

18. The permittee is responsible for the safety, well being and behaviour of the permittee's staff, and must take all reasonably practicable steps to ensure that no person is exposed to risks to their health or safety whilst in the park.

19. If the permittee or any of the permittee's staff or clients is killed, injured, becomes ill, goes missing, or is involved in a dangerous incident while in the park, a member of park staff must be notified as soon as possible and the permittee and the permittee's clients must comply with any requests or directions from a member of park staff in relation to the safety of that person or any other person.

Note: In this condition "dangerous incident" means an incident that exposes a person to a serious risk to their health or safety.

20. The permittee must ensure that its supervision of the permittee's clients is reasonable in the circumstances of the permittee's clients' differing levels of fitness, experience and abilities.

21. The permittee must carry, and must ensure that each of the permittee's clients carries, sufficient potable water for the conduct of the permitted activity.

Note: The Director recommends that, in hot weather, people carry and drink one litre of water for every hour they will be active.

22. The permittee will make good any damage to the park, to the

extent that the damage was caused or contributed to by the conduct of the permitted activity or a breach of the permit conditions by the permittee.

Accessing Ubirr Conditions

23. The permittee must ensure all permittee's tour guides carrying out the permitted activity have:

- a) signed and returned the Tour Guide Agreement for Ubirr Wet Season Access to the park's Permits Officer; and
- b) completed the Ubirr Wet Season Access Induction Program

24. The permittee must not enter or remain in the permitted area after sunset and before 8:30am.

25. The permittee may enter and leave the permitted area only by the entry gate on the Ubirr access road.

26. The permittee must take all reasonable steps to ensure that the entry gate is locked after entering and after leaving the area.

27. The permittee must not cause, permit or allow any persons other than the permittee's tour guides and the permittee's clients to enter the permitted area.

28. The permittee must maintain full sight of and control over all of the permittee's clients while in the permitted area.

29. The permittee must complete the required details in the registration book located at the entry gate, both upon entering and before leaving the permitted area.

30. Access keys issued to the permittee for the entry gate on the Ubirr access road are for the sole use of the permittee and the permittee's tour guides for the permitted activity and must not be copied, sold, lent or otherwise transferred to any other person.

31. The permittee must return all access keys to the park's Permits Officer by 30 June 2021. If the permittee fails to return their access key(s) in accordance with this condition, the permittee will pay \$50 for each access key not returned.

32. The permittee will at all times maintain responsibility for the safety, wellbeing and behaviour of the permittee's tour guides and the permittee's clients.

¹ A person is taken to have been convicted of an offence if, within five years, the person has been charged with, and found guilty of, the offence but discharged without conviction or has not been found guilty of the offence, but a court has taken the offence into account in passing sentence on the person for another offence. Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them

² Such an offence includes, for an offence under such a law, section 6 of the *Crimes Act 1914* or sections 11.1, 11.4 or 11.5 of the Criminal Code (which deal with being an accessory after the fact, attempting to commit offences, inciting to or urging the commission of offences by other people and conspiring to commit offences) or an equivalent provision of a law of a State or Territory

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Agreement

THIS DEED made the day of , 20

WITNESS as follows:

In consideration of the permit issued to the permittee, the permittee agrees to:

- release the Director of National Parks, the Commonwealth of Australia, and their servants and agents ('the released parties') from all and any claims which the permittee might at any time hereafter have or have had against the released parties in respect of any injury, loss or damage which may be suffered by the permittee in the course of the permitted activity, except to the extent that any act or omission involving fault on the part of the released parties contributed to the relevant injury, loss or damage; and
- indemnify and keep indemnified the Director of National Parks, the Commonwealth of Australia, and their servants and agents ('the indemnified parties') against all actions, proceedings, claims or demands brought against the indemnified parties in respect of any injury, loss or damage arising out of:
 - (i) a breach of the permit conditions by the permittee or the permittee's staff; or
 - (ii) an act or omission involving fault on the part of the permittee or the permittee's staff in carrying on the permitted activity,

except to the extent that any act or omission involving fault on the part of the indemnified parties contributed to the relevant liability, loss or damage; and

- c) acknowledge that this permit does not give the permittee any rights to the exclusive use, enjoyment or occupancy of any area.
- d) take all reasonable steps to ensure that the permittee, the permittee's staff and the permittee's clients comply with the conditions subject to which the permit is issued; and
- e) provide information about the permitted activity as reasonably requested by the Director.

Note: The Director will only request such information for park management and planning purposes, and agrees not disclose to any other person any information so provided without the express permission of the permittee unless legally required to do so.

Proposed permit holder's name

A copy of this agreement is to be signed by each proposed permit holder, or if the proposed permit holder is a company or other commercial entity, by its duly authorised officer.

Signed

Date

Name (please print)

Position

This agreement is signed in the presence of a witness aged 18 years or older:

In the presence of (witness' name)

Signed

Date

Declaration

I, , the applicant for this permit, DECLARE that the information in this application is correct to the best of my knowledge AND I am authorised to complete this application on behalf of all proposed permit holders AND that none of the proposed permit holders have been convicted¹ of, or is presently subject to proceedings for, an offence under:

- the EPBC Act or Regulations; or
- another law of the Commonwealth or a State or Territory about the protection, conservation or management of native species or ecological communities; or
- section 6² of the *Crimes Act 1914* or sections 11.1, 11.4 or 11.5³ of the *Criminal Code* in relation to an offence under a law mentioned in a) or b) above; or
- a provision of a law of a State or Territory that is equivalent to a provision mentioned in c) above.

If you can not make this declaration because a proposed permit holder has been convicted of, or is subject to proceedings for a relevant type of offence please contact the Permits Officer, Kakadu National Park, for further advice. These matters do not exclude a permit being issued but can be taken into account.

Signed

Date

Name (please print)

Position

This declaration is made before a witness aged 18 years or older:

In the presence of (witness' name)

Signed

Date

¹ Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

The applicant is taken to have been convicted of an offence if, within five years before the application is made, the applicant:

- a) has been charged with, and found guilty of, the offence but discharged without conviction; or
- b) has not been found guilty of the offence, but a court has taken the offence into account in passing sentence on the applicant for another offence.

² Section 6 of the *Crimes Act 1914* deals with being an accessory after the fact.

³ Sections 11.1, 11.4 and 11.5 of the *Criminal Code* deal with attempts to commit offences, inciting to or urging the commission of offences by other people and conspiracy to commit offences.

If this application is approved, you prefer to receive the permit documentation via:

Mail Email Fax

Submit applications to:

Kakadu National Park
Tourism and Visitor Services Section
GPO Box 858 Canberra ACT 2601
Fax: 08 8938 1117
E-mail: kakadu.permits@awe.gov.au

Please allow a minimum of 14 days for permits to be processed.

To assist us in developing more efficient permit administration, please provide an estimate of the time taken to complete this form, including the time spent by the applicant and any other persons in reading the application form, collecting the information and answering the questions: hours and minutes



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If you are issued with an Ubirr Wet Season Access permit, you will need to ensure that before any of your tour guides lead tours in Ubirr, they each sign and return this form to our Permits Officer.

Tour Guide Agreement for Wet Season Access to Ubirr

The Director of National Parks is authorised to collect the personal information requested in this form under the *Environment Protection and Biodiversity Conservation Regulations 2000*. This information is used to assess permit applications and manage activities within Commonwealth reserves. A full Privacy Notice, the Director's Privacy Policy and details on who to contact if you have a concern about your personal information are available at www.environment.gov.au/node/35979.

Dear Tour Guide,

You have been entrusted by Kakadu's Traditional Owners and Parks Australia to help look after Ubirr during the wet season. By signing this form you are agreeing to adhere to the following rules, which were developed to help protect this site for future generations.

I, (insert name) , agree to:

- maintain full sight and control over my tour clients at all times;
- only access Ubirr between 8:30am and sunset from 1 December 2021 to 31 May 2022;
- remain behind all art site barriers, keep to designated pathways, adhere to all directional signage, not touch any rock art or remove artefacts from Ubirr and ensure my tour clients adhere to the same rules;
- not cause, permit or allow anyone other than my tour clients to enter Ubirr;
- not copy, sell, lend or otherwise transfer Ubirr access keys to any other person;
- always lock the entry gate upon entry and before leaving Ubirr;
- complete the required details in the registration book upon entry and before leaving Ubirr;
- only use the ECD to request medical help or to notify park staff of a death, injury, missing person or other incident; and
- adhere to all relevant permit conditions associated with the Ubirr access permit.

I fully understand and agree to abide by the above rules.

Signed Date

Name of tour operator/company

Prior to leading your first tour to Ubirr please sign and return this form to the Permits Officer, Kakadu National Park by email to kakadu.permits@awe.gov.au.

